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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,472	11/23/2005	Detlef Mann	279816US6PCT	1271
22850	7590	07/17/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER FASTOVSKY, LEONID M	
			ART UNIT 3742	PAPER NUMBER
			NOTIFICATION DATE 07/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/558,472	Applicant(s) MANN, DETLEF	
	Examiner Leonid M. Fastovsky	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 20-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070507</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr (GB2248160) in view of Pikhard.

Dawlr discloses an electrically heated glass assembly comprising two rigid panes 1 and 2 and having conductive layers 3 and 7 located on both sides of the adhesive layers 5 and 6 (Fig.1). Further, Dawlr discloses a cut out in the adhesive layer 6, but does not disclose a cut out through the pane.

Pikhard discloses a laminate panel comprising at least two rigid glass panes 1 and 2, bonded to each other on their surfaces, with electrically conductive metal coating 5 and 6, that can be heated by an electric supply power through a connective element 10, located in the cutout 12, the electric power must be supplied by a series circuit or a parallel circuit, the coating 5 and 6 are made from the same material and the same layer configuration (See Fig. 1). Further, Pikhard discloses an adhesive layer 3.

It would have been obvious to one having ordinary skill in the art to modify Dawlr's invention to include a cut out and an electric circuit as taught by Pikhard in order to increase utilities of his glass assembly.

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3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and further in view of Niekrasz et al (4,691,486).

Dawlr in view of Pikhard discloses substantially the claimed invention including two rigid paned 1 and 2, but does not disclose a third rigid pane. Niekrasz discloses a multiple pane glass assembly comprising a conductive coating 30 and three panes 11, 12 and 14. It would have been obvious to one having ordinary skill in the art to modify the invention of Dawlr in view of Pickard to include a third pane as taught by Niekrasz since it has been held that simple duplication of the essential working parts of the device involves only routine skill in the art. ST. Regis Paper CO. v. Bemis Co., 193 USPQ 8.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and further in view of Mischel, Jr. et al (5,408,069).

Dawlr in view of Pikhard discloses substantially the claimed invention including two coatings 5 and 6 made of the same material-metal, but does not disclose different material. Mischel discloses a heating panel comprising a coating 20 having a screen printable conductive ink that is an equivalent structure known in the art. Therefore, because these two coating, namely metal and conductive ink were are-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute one of metal coatings invention for a conductive ink.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and further in view of Heinko et al (DE19860870).

Dawlr in view of Pikhard discloses substantially the claimed invention including two coatings 5 and 6 but does not show an isolation division of the coating. Heiko discloses

a panel element comprising a pane (col. 1, lines 1-6) comprising a total surface heating coating (col. 1, lines 23-27) by applying electric power with electrodes, wherein an inner surface zone in the coating is electrically separated by at least one separating line (col. 1, lines 33-38). It would have been obvious to one having ordinary skill in the art to modify the invention of Dawlr in view of Pikhard to provide an isolation division of the coating as taught by Heiko in order to prevent shorting.

6. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and further in view of Trapani (5,624,591).

Dawlr in view of Pikhard discloses substantially the claimed invention including the heating coatings 5 and 6, but does not disclose a temperature probe and a switch.

Trapani discloses a heated glazing panel comprising a control circuit 22 being connected to the heating coating 18, temperature sensor 41 and the temperature control means 38 for interrupting the flow of electric current to the heating coating 18 when a predetermine temperature threshold is reached (col. 4, lines 20-60). It would have been obvious to one having ordinary skill in the art to modify the invention of Dawlr in view of Pikhard to provide a temperature probe and interrupting means – a switch with the coating as taught by Trapani in order to avoid damage of the panel (col. 4, lines 50-54).

7. Claims 28-30, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and further in view of Nikodem et al (4,786,784).

Dawlr in view of Pikhard discloses substantially the claimed invention including the connection area 12, but does not disclose a mask obtained by opaque paste serving as

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an opaque decoration. Nikodem discloses an electrically heated window assembly that includes two glass panes 12 and 14, an electrically conductive film 24 connected to the electrodes- bus bars 20 and 22, and the portions of the bus bar 20 are masked with an of an opaque masking material 27 (Fig. 3, Abstract, lines 1-5, col. 5, lines 15-68 and col. 6, lines 1-18).

It would have been obvious to one having ordinary skill in the art to modify the invention of Dawlr in view of Pikhard to provide an opaque visual masking as taught by Nikodem for and also used as a decoration.

8. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and further in view of DuRocher et al (3,918,783).

Dawlr in view of Pikhard discloses substantially the claimed invention including the connection area 12, but does not disclose removable spring electrical contacts.

DuRocher discloses removable spring electrical connectors 11 for a glass pane 1 (Fig. 4-5 and col. 3, lines 61-68). It would have been obvious to one having ordinary skill in the art to modify the invention of Dawlr in view of Pikhard to provide removable spring electrical connectors as taught by DuRocher in order to replace them when necessary in case of a bad electrical conductivity.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawlr in view of Pikhard and Nikodem and further in view of Carter et al (4,918,288).

Dawlr in view of Pikhard and Nikodem discloses substantially the claimed invention including the opaque decoration, but does not disclose an opaque decoration disposed between the surface of the pane and the heating coating. Carter discloses a heatable

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transparency comprising a glass pane 22, a heating coating 28 and an opaque decoration between them (Fig. 2 and 3, and col. 3, lines 20-50). It would have been obvious to one having ordinary skill in the art to modify the invention of Dawlr in view of Pikhard and Nikodem to provide an opaque decoration between the surface of the pane and the heating coating as taught by Carter in order to conceal bus bars- electrodes and other elements of the heating circuit (col. 3, lines 47-50).

Response to Arguments

10. Applicant's arguments with respect to claims 18 and 21-23 under 102 rejection anticipated by Pikhard's prior art over limitations of the two panes provided with the coating on either side of the adhesive layer have been considered and found persuasive. However, these arguments regarding claims 18 and 21-23 are moot and unpatentable under 103 rejection in view of the new ground(s) of rejection over Dawlr in view of Pikhard. As to claims 24-35, they are also unpatentable as disclosed above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M. Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TU BA HOANG
SUPERVISORY PATENT EXAMINER


Leonid M Fastovsky
Examiner
Art Unit 3742